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OFFICE OF PETITIONS

In re Application of
Meno et al.
Application No. 09/882,438
Filed: June 14, 2001
Attorney Docket No. 606928002US

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed October 10, 2007, to withdraw the holding of abandonment for the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

On May 17, 2007, the Office mailed a Notice of Allowance and Fee(s) Due and a Notice of Allowability, which set a three-month statutory period for reply. In the absence of a timely filed response, the application was held abandoned on August 18, 2007. A Notice of Abandonment was mailed on September 13, 2007.

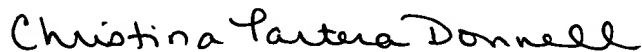
In the petition, the practitioner asserted that he did not receive the Notice of Allowance and Fee(s) Due because the USPTO mailed it to an incorrect correspondence address. The practitioner stated that he filed a revocation and power of attorney, including a request for a change of correspondence address to Customer No. 25096, on May 30, 2006. However, the USPTO did not enter the change of correspondence address to Customer No. 25096. The practitioner asserted that the USPTO has continued to send official correspondence, including the Notice of Allowance and Fee(s) Due to former counsel of record, Brown Raysman. On petition, the practitioner requested that the Office withdraw the holding of abandonment, enter the revocation and power of attorney and change of correspondence address, and re-mail the Notice of Allowance and Fee(s) Due.

A review of the record indicates that the Office did not timely enter the revocation and power of attorney and the change of correspondence address filed on May 30, 2006. Consequently, the Notice of Allowance and Fee(s) Due was mailed to the wrong address. It is obvious from the record that the practitioner did not receive the Notice of Allowance and Fee(s) Due of May 30, 2006.

The Office has corrected the correspondence address and made it of record. The petition under 37 CFR 1.181 is **GRANTED**. No petition fee is required.

Technology Center Art Unit 2195 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for re-mailing of the Notice of Allowance and Fee(s) Due and the Notice of Allowability. The three (3) month statutory time period for responding to the Notice of Allowance and Fee(s) Due and the Notice of Allowability will be set to run from the re-mailing date of the Notices.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

A handwritten signature in black ink that reads "Christina Tartera Donnell". The script is cursive and fluid.

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions